

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
KEVIN COGAN AND ELIZABETH COGAN, :

Plaintiffs, :

v. :

No: 16-cv-02109

WALTER KISSINGER :

Defendants. :

-----X

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

The parties in the above-captioned action, through their undersigned counsel, stipulate and agree as follows:

1. No party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action.


2. The Settlement Agreement is fair and reasonable, and adequate to redress both Plaintiff's claims in this action and to compensate Plaintiff's Counsel on their request for attorney's fees and costs.

3. In accordance with Rule 41 of the Federal Rules of Civil Procedure and *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), the Parties respectfully request that this action be dismissed with prejudice and without costs or attorneys' fees (other than those

costs and attorneys' fees specified in the Settlement Agreement and Release) as to all claims against Defendants with each party to bear its own fees and costs.


Dated: February 22, 2017  
Uniondale, New York

**RUSKIN, MOSCOU, FALTISCHEK, P.C.**  
*Attorneys for Plaintiffs*

By:   
Michael S. Amato, Esq.  
East Tower, 15th Floor  
1425 RXR Plaza  
Uniondale, NY 11556-1425  
(516) 663-6600

Dated: February 22, 2017  
New York, New York

**MORGAN, LEWIS & BOCKIUS LLP**  
*Attorneys for Walter Kissinger*

By:   
Christopher A. Parlo, Esq.  
101 Park Avenue  
New York, New York 10178  
(212) 309-6000

SO ORDERED on this \_\_\_\_ day  
of \_\_\_\_\_, 2017

\_\_\_\_\_